THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO : 18953 of 2005

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Dated:05.09.2005

Between:

K.Achiga (died per L.R)

His son K.Pedda Mallaiah (died) as per L.R,

K.Pedda Pentaiah, S/o. Late Pedda Mallaiah
R/o. 1-10-1/A, Madhapur, Serilingampally (M) R.R.District.

..... PETITIONER

AND

1 The Commissioner Appeals, Office of the Chief Commissioner of Land

Admn A.P., M.J.Road, Hyderabad, and others.

.....RESPONDENTS

ORDER:

The petitioner, K.Pedda Pentaiah, is the son of K.Pedda Mallaiah and grand son of K.Achiga. He claims that the land admeasuring Acs.12.23 of Madapur Village, Moosapet Panchayat, is the absolute property of the joint family, in which three sons of Achiga have a share. It appears the Special Officer and Competent Authority (Urban Land Ceiling), the second respondent herein, conducted suo motu enquiry under Sub Section (2) of Section 6 of the Urban Land (Ceiling & Regulation) Act, 1976 (for short 'the Act'), and determined 49,899.23 square metres as excess vacant land. The petitioner preferred an appeal under Section 33 of the Act before the first respondent. On his application, the first respondent by proceedings dated 28.03.2005, ordered Status quo.

While the appeal before the first respondent was pending, respondent Nos.3 and 4 filed an application in the appeal to implead them and also prayed the first respondent to vacate the orders of status quo. On hearing the learned counsel for the petitioner and the learned counsel for respondent Nos.3 and 4, the first respondent by impugned order, and after perusing the documentary evidence made available, vacated the orders of status quo. Aggrieved by the same, the present writ petition is filed.

The learned counsel for the petitioner, Sri.G.V.Krishna Reddy, submits that respondent Nos.3 and 4 have no *locus standi* and by reason of the impugned proceedings, the original owners; the petitioner herein and the other legal heirs of Achiga would be evicted from the land. This is opposed by the learned Assistant Government Pleader for Revenue.

Along with the writ petition, the petitioner has annexed a copy of the petition filed by respondent Nos.3 and 4 before the first respondent praying to vacate the status quo orders passed in the appeal. In the said application they prayed that they acquired the land for house sites through registered sale deeds executed in 1989, that they also submitted applications to the Government for regularization under Government Order being G.O.Ms.No.455, dated 29.07.2002, and by reason of the status quo orders passed by the first respondent, those applications are not being processed. Along with the said applications, respondent Nos.3 and 4 also enclosed registered sale deeds and the necessary acknowledgments issued by the Government evidencing the receipt of the applications for regularization under G.O.Ms.No.455. It was also brought to the notice of the first respondent that they paid about Rs.40,00,000/- to the Government by way of Treasury Challans while seeking regularization. The first respondent considered all these documents and vacated the status quo orders. The impugned order, therefore, does not in any manner can be branded as one without application of mind or vitiating by improper exercise of discretion. This writ petition lacks merit.

The writ petition is therefore, dismissed, observing that the first respondent shall pass appropriate orders in the appeal filed by the petitioner within a period of six weeks from the date of receipt of a copy of this order. No costs.

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(V.V.S.RAO, J)

05.09.2005

vs

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